

# UNITED STATES DISTRICT COURT

for the

Western District of Texas  
Austin Division

United States of America )  
v. )  
 )  
 ) Case No. 1:24-mj-4-SH  
Justin Eldred )  
\_\_\_\_\_  
Defendant )

## ORDER OF DETENTION PENDING TRIAL

### Part I - Eligibility for Detention

On Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

### Part II - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g), the pretrial services report, and the evidence and arguments of counsel presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence
- Lack of financially responsible sureties
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempts to evade law enforcement

- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

**Other Reasons or Further Explanation:**

My decision is based on the identified factors and the recommendation of Pretrial Services, which is that Mr. Eldred be detained pending trial, in addition to any findings made on the record at the detention hearing. Mr. Eldred served 18 years in state prison for aggravated robbery. In less than two years since his release, Mr. Eldred has been convicted once of deadly conduct, once of unlawfully carrying a weapon, twice of evading arrest/detention, and three times of theft. When arrested on his current charge of felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), Mr. Eldred allegedly was carrying a .40 caliber handgun, its magazine loaded with eleven live rounds, and claimed ownership of two other guns in his hotel room and carried by his companion. Considering all information available, the Court finds that all four of the relevant factors under 18 U.S.C. § 3142(g) weigh in favor of detention. The Court further finds that the government has established (1) by clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the safety of the community if Mr. Eldred were released, and (2) by a preponderance of the evidence that no condition or combination of conditions of release would reasonably assure Mr. Eldred's presence as required. For these reasons, the Government's Motion for Detention of Defendant (Dkt. 3) is **GRANTED**.

**Part IV - Directions Regarding Detention**

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: January 19, 2024



Susan Hightower  
United States Magistrate Judge